



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **STANDARDS COMMITTEE**

### **REPORT OF THE HEAD OF LEGAL SERVICES –C.GRIFFITHS**

**22 November 2019**

#### **Matter for Information**

**Wards Affected:** All Wards

**Public Service Ombudsman for Wales Annual Report 2017/2018**

#### **Purpose of the Report:**

1. To advise Members of the receipt of the Public Service Ombudsman of Wales Annual Letter.

#### **Executive Summary:**

2. The Public Service Ombudsman for Wales (“the Ombudsman”) has two specific roles:
  - (a) To consider complaints about public service providers in Wales; and
  - (b) To consider complaints that members of local authorities or town and community councils have breached their Code of Conduct.
3. The Ombudsman sends letters on an annual basis to county borough councils and local health boards concerning the

complaints he has received and considered during the previous financial year. The aim of the Annual Letter is to provide the relevant bodies with information to help them improve their complaint handling and the services that they provide. The purpose specifically of this report is to highlight the position in respect of Code of Conduct complaints.

### **Background:**

4. In recent years the Ombudsman has adopted the practice of sending an annual letter to each local authority which comes within his jurisdiction. A full copy of the letter and Factsheet is reproduced for Members at Appendix 1.
5. The number of national Code of Conduct complaints increased slightly in 2018/2019 both in respect of Local Authority elected members and Town/Community Council members. Many of these complaints have arisen following changes in the membership of councils. In the Neath Port Talbot locality, the number of Code of Conduct complaints against County Borough Councils is low, there being just 4, which were closed after initial consideration (Table E), meaning there was no case to answer. However, there was a slight increase in the number of complaints against community councils (Table F) (going from 7 to 8 ), but as can be seen no further action was taken in respect of all but two of these matters and they were either closed after initial consideration, discontinued or withdrawn. Two were forwarded to the Standards Committee for consideration which saw a censure being issued to one Community Councillor for non-compliance with the Code of Conduct and one Town Councillor being suspended for a duration of four months for non-compliance with the Code of Conduct.
6. Overall, cuts in public expenditure create an environment in which there can be a mismatch between public expectations and the service which can be provided. This will make it even more

important to deal promptly with any complaints which arise and look for practical and achievable solutions. The Council continues to work collaboratively with the Ombudsman to resolve any matter that might be referred to him by a member of the public whether that be via an early settlement or to provide clarification and documentation to assist in any investigation being undertaken.

7. Officers will continue this assistance in 2019/2020 and onwards. However, steps will also be taken to try and reduce the number of cases which require intervention by the Ombudsman. This will include:
  - (a) Undertaking further training with Local Authority Elected Members on Code of Conduct matters and in particular the use of social media, which appears to be the source of numerous complaints to the Ombudsman.
  - (b) The further development of a Standards and Code of Conduct forum with Town and Community Council Clerks to ensure that standards and ethics of decision makers is considered actively within that setting and officers of those organisations are aware of key legal obligations.
  
8. It should also be noted that the Ombudsman is now in receipt of a number of additional power of investigation, recently granted by the Welsh Government. These include the ability to undertake “own initiative” complaints. These investigations are not instigated by a complaint from a resident but may occur where the Ombudsman suspects potential systemic failures of services or where residents feel unable to complain due to the fact that they are dependent on Council services or because they are vulnerable.

**Financial Impacts:**

9. No implications. Though it should be noted the Ombudsman has legal powers to require the Council to make payments to

complainants where they have suffered financial loss or in compensation for “time and trouble”.

**Integrated Impact Assessment:**

10. An Integrated Impact Assessment is not required for this report.

**Valleys Communities Impacts:**

11. No implications

**Workforce Impacts:**

12. No implications

**Legal Impacts:**

13. No implications

**Consultation:**

14. There is no requirement for external consultation on this item

**Recommendations:**

15. That Members note the content of the Public Service Ombudsman Annual Report for Neath Port Talbot County Borough Council for 2018/2019 enclosed at Appendix 1 and the steps that will be taken to reduce the number of referrals to the Ombudsman in respect of code of conduct matters.

**Appendices:**

16. Appendix 1 – Annual Letter of the Public Service Ombudsman for Wales for Neath Port Talbot County Borough Council (Welsh and English version)

**List of Background Papers:**

17. None

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